

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

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RA No.202/93 in OA No.855/92

Date of decision: 16.7.1993

Smt. Janki & Others Vs. Union of India & Others

ORDER

This review application is filed by the applicant against the judgement rendered by this Tribunal dismissing the original application on 12.5.93 as the applicant has not made out a proper case for a compassionate appointment. The operative portion of the judgement dated 12.5.1993 is as follows:

"Therefore, it is clear that such appointment is not permissible where the Railway employee died in harness leaving behind his widow with no son and daughter to support her. There is no averment in the entire OA that the applicant who is her brother-in-law is living with her or will support her, except stating that the applicant No.2 did not continue the study after the death of his brother. The applicant claims to be an illiterate and that she waited for the minor to become major for appointment on compassionate ground. The Rule-4, cited supra does not provide for compassionate appointment of a near relative, who died in harness leaving behind only his wife but no son or daughter. Therefore, the eligibility for consideration of the applicant on compassionate grounds is not satisfied. I hold that the applicant has not made out his case. The case is not only barred by limitation but also dismissed on merits. No costs."

2. In the review application, the applicant has simply mentioned that the "judgement passed by the Tribunal is patently wrong on the face of the records itself" but has not produced any fresh evidence in support of his claim.

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3. As per Order 47, Rule 1 of CPC, a review application can be filed only (i) when some new material which is not available with the applicant at the time of the hearing and that comes into possession subsequently and which has a bearing on the case, or (ii) that there is an apparent mistake on the face of the record that has crept in the judgement or (iii) if there is any sufficient reason. None of these conditions is noticed in the present RA.

4. Also, as per AIR 1975 - SC 1500, a review of the judgement is a serious step and a reluctant resort to it is proper only where a glaring omission or a patent mistake or a grave error has crept in earlier by judicial fallability.

5. While delivering the above stated judgement, I have patiently heard the arguments and averments made by both the counsel during the hearing and carefully gone through the records and material placed before us. Again, a review can not be converted into an appeal by reurging the same points again and again. The applicant has not made out a case for review. Therefore the review application is dismissed with no order as to costs.

[Signature]
(C. J. ROY)
Member (J)
16.7.1993